

**Amendments to the Drawings**

The attached sheet of drawings includes changes to Fig. 2. This sheet, which includes Figs. 1 and 2, replaces the original sheet that included Figs. 1 and 2. In Fig. 2, a frog, defined as a prong assembly in paragraph [0016], is identified by the reference character "5" added to the figure.

Attachment: Replacement Sheet

## **REMARKS/ARGUMENTS**

The Abstract is amended to correct an informality.

Fig. 2 and paragraph [0016] are amended to add reference character 5 to identify a prong assembly called a frog. These amendments address the Examiner's drawing objections.

Claims 1-11 are pending.

Claims 1 and 8 are amended to clarify that a sidewall connects the top and bottom of the receptacle. Support for these amendments is found in Figs. 1 and 2. These amendments address the 35 USC § 112 claim rejections.

Claim 1 is also amended to clarify that the means for supporting a plant stem is located at the bottom of the receptacle. Support is found at paragraph [0016] and in Figs. 1 and 2.

New claims 12-27 are added. Support for claims 12-17, 22 and 23 is found at paragraph [0016]. Support for claims 18-20 and 22-26 is found at paragraph [0023]. Support for claims 21 and 27 is found at paragraph [0019].

### **Rejections under 35 U.S.C. § 102**

The rejection of claims 1 and 4-7 as anticipated variously by U.S. Patents No. 5,947,322 to Ho, No. 3,973,316 to Maher, and No. 2,963,256 to Borah is respectfully traversed. "To anticipate a claim, the reference must teach every element of the claim." MPEP § 2131. In the present case, each reference fails to achieve this standard.

Claims 1 and 4-7 call for a receptacle adapted to be received in a motor vehicle drink holder, with the receptacle comprising a closed bottom. In contrast, Maher and Borah indicate that their receptacles have holes in the bottom. Maher describes a container for growing plants. The container has a "small drainage hole 18 formed in the bottom 14" (column 1, lines 63-65). Similarly, Borah describes the use of a flower pot 54 and indicates at column 3, lines 19-22 that "water draining from the hole in the bottom of the conventional flower pot " is retained in an article holder. Because neither Maher nor Borah teach or suggest a flower container with a closed bottom, all claim elements are not taught. Accordingly, claims 1 and 4-7 are not anticipated by these references.

Moreover, as amended, claims 1 and 4-7 call for the supporting means to be located at the bottom of the receptacle. Neither Maher nor Borah describe any such means. Again, all claim elements are not taught, and claims 1 and 4-7 are therefore not anticipated.

As for the Ho reference, Ho describes a container that is attached to a car by a hanger 3. The container has a groove 12 and a slot 14 that engage the hanger for mounting on a wall. As pointed out in the current specification at paragraphs [0004] and [0005], a hanger or bracket is different from the motor vehicle receptacle containers known as motor vehicle drink holders that are typically found in motor vehicles. Because Ho fails to describe a receptacle adapted to be received in a motor vehicle drink holder, all claim elements are not taught. Accordingly, claims 1 and 4-7 are not anticipated by this reference.

Moreover, even if the hanger were considered a “motor vehicle drink holder”, the container in the Ho reference slides onto the hanger. In contrast, claims 1 and 4-7 call for a receptacle adapted to be received in a motor vehicle drink holder. Again, Ho fails to teach all claim elements.

Furthermore, Ho does not describe any means for supporting plant stems located at the bottom of the receptacle, as called for in amended claims 1 and 4-7. All claim elements are not taught by Ho. Accordingly, the claims are not anticipated.

None of the Ho, Maher or Borah references teach or suggest all claim elements. Accordingly, claims 1 and 4-7 are not anticipated by any of these references.

The rejection of claim 10 as anticipated by Ho or Borah is respectfully traversed. As amended, claim 10 calls for inserting a plant part into a container and supporting the plant part with one or more prongs at the bottom of the container. Neither Ho nor Borah describe a container having prongs at the bottom. Because neither reference teaches or suggests all claim elements, claim 10 is not anticipated by either of these references.

#### Rejections under 35 U.S.C. § 103

The rejection of claim 2 as obvious over Ho, Maher or Borah in view of U.S. Patent No. 3,477,175 to Sakamoto is respectfully traversed. To establish a *prima facie* case of obviousness, “there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. MPEP § 2143. The mere fact that references can be combined is not enough. MPEP § 2143.01. Rather, the prior art must suggest the desirability of combining the references. *Id.*

Sakamoto describes a set of prongs. The prongs are used to support the plant stems of cut flowers, as shown in Fig. 1. On the other hand, Maher teaches that his plant container is for growing live flowers (column 2, lines 9-20). Because live flowers support themselves, there is no reason to add a set of prongs at the bottom of the container for support. Accordingly, there is no motivation or suggestion to combine Maher’s container with Sakamoto’s set of prongs. As such, claim 2 is not obvious.

Moreover, the whole point of the Maher reference is to grow live plants, then to conveniently remove the plants without damaging their roots (column 1, lines 16-18; column 2, lines 13-20). The Sakamoto reference, on the other hand, is directed to displaying cut (non-growing) plants and flowers (Fig. 1). Because the Maher and Sakamoto assemblies are designed for completely different purposes, there is no motivation to combine the references.

Furthermore, the frog as taught by Sakamoto is designed to display cut flowers in a water-tight container (column 2, line 45). The addition of such a frog to the container of Maher would cover up the Maher container’s drainage hole, preventing water from draining. This would render Maher’s container unsatisfactory for its intended purpose of growing live flowers. Accordingly, there is no suggestion or motivation to combine the references (MPEP § 2143.02), and claim 2 is not obvious over the Maher and Sakamoto references.

Similarly, Borah indicates that his plant container is a flower pot 54, having a hole in the bottom for water drainage. As with the Maher reference, the combination of the Borah and Sakamoto references is not obvious for at least three reasons. First, Borah's flower pot is for growing and watering live plants. Because the plants support themselves, there is no reason to add a set of prongs to the container for support. Second, Borah's container is for growing live plants whereas Sakamoto's frog is for displaying cut plants and flowers. Because the references are directed to completely different purposes, there is no reason or motivation to combine the references. Third, the addition of the frog of Sakamoto would cover up the drainage hole in the container of Borah, rendering the container unsuited for its intended purpose of growing live plants. For each of these reasons, there is no motivation to combine the references, and claim 2 is therefore not obvious over the Borah and Sakamoto references.

As for the Ho reference, Ho teaches that flowers in his container are supported by a tray 2 with holes, as shown in Fig. 5. Because the container already has support for flowers, there is no reason to add a set of prongs for support. Therefore, claim 2 is not obvious over the Ho and Sakamoto references.

The rejection of claim 2 as obvious over Ho, Maher or Borah in view of U.S. Patent No. 1,633,184 to Luipersbek is respectfully traversed. "To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." *In re Royka*, 490 F. 2d 981, 180 USPQ 580 (CCPA 1974); MPEP § 2143.03. In the present case, the prior art does not meet this standard.

As amended, claim 2 calls for plant supporting means at the bottom of a container. Luipersbek describes a cage for retaining soil and for holding the soil above a pocket filled with water (page 2, lines 1-6). The cage has uprights 18 that extend vertically to an upper ring 12, to which the ends of the uprights are joined (page 1, lines 47-51). The cage also contains prongs 23 that are impregnated with fertilizer material and that absorb water so as to transfer water and fertilizer to soil surrounding the prongs (page 1, lines 67-76; page 1, lines 104-111). The uprights 18 provide structural integrity for the upper part of the cage (see Fig. 1), and the prongs 23 provide the soil with water and fertilizer (page 1, lines 67-75). Neither the uprights 18 nor the prongs 23 are plant stem supporting means. Thus, the combination of Ho, Maher or Borah with Luipersbek fails to teach or suggest all claim limitations. Accordingly, claim 2 is not obvious.

The rejection of claim 3 as obvious over Ho, Maher or Borah in view of U.S. Patent No. 2,057,856 to Stone is respectfully traversed. Stone describes a cage-like structure he calls a "frog", which is used to support cut flower stems. There is no reason or motivation to add the frog of Stone to the containers of Maher and Borah. First, the Maher and Borah containers are for growing live plants. Because the plants support themselves, there is no reason to add a frog for support. Second, the Maher/Borah references and the Stone reference are directed to completely different uses - growing live plants as opposed to displaying cut (non-growing) plants and flowers. Because the references are for different purposes, there is no reason or motivation to combine the references. For each of these reasons, claim 2 is not obvious over the Maher or Borah references in view of the Stone reference.

As for the Ho reference, Ho describes a container already having a support for flowers in the form of a tray 2 with holes. Because there is no reason to add another support, there is no

motivation or suggestion to combine the Ho and Stone references. Accordingly, claim 3 is not obvious in light of these references.

The rejection of claims 8 and 9 as obvious over Ho in view of Sakamoto or Luipersbek is respectfully traversed. As pointed out above, Ho describes a container already having a support for flowers in the form of a tray 2 with holes. Because there is no reason to add another support, there is no motivation or suggestion to combine the Ho and Sakamoto references. Accordingly, claims 8 and 9 are not obvious over these references.

As for the Luipersbek reference, the combination of the Ho and Luipersbek references fails to teach all claim limitations. Claims 8 and 9 call for a set of prongs at the bottom of the container for supporting plants stems. As noted above, the prongs and uprights taught by Luipersbek do not support plant stems. Also, Ho teaches a tray with holes, not a set of prongs. Because all claim limitations are not taught or suggested by the Ho and Luipersbek references, claims 8 and 9 are not obvious over these references.

The rejection of claim 11 as obvious over Ho or Borah is respectfully traversed. As amended, claim 11 calls for inserting a plant part into a container and supporting the plant part with one or more prongs at the bottom of the container. Neither Ho nor Borah describe a container having prongs at the bottom. Because each reference fails to teach or suggest all claim limitations, claim 10 is not obvious over either reference.

In view of the foregoing amendments and remarks, Applicants submit that the present application is in condition for allowance. A Notice of Allowance is therefore respectfully requested.

The Commissioner is hereby authorized to charge payment of any fees required in connection with this communication or credit any overpayment to Deposit Account No. 50-0337. A duplicate copy of this paper is enclosed.

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Respectfully submitted,



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